

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BRIAN WHITE, §
Plaintiff, §
§
V. § CIVIL ACTION NO. 4:20-CV-02080
§
§
BROKER SOLUTIONS, INC. D/B/A §
NEW AMERICAN FUNDING AND §
PROCTOR FINANCIAL, INC., §
Defendants. §

PLAINTIFF'S MOTION TO DISMISS UNDER FRCP 41(a)(2)

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff hereby files Plaintiff's Motion to Dismiss Under FRCP 41(a)(2) and would respectfully show the Court as follows:

1.0 Plaintiff no longer desires to pursue the claims asserted against Defendants in this matter and respectfully requests the Court dismiss this matter.

1.1 Notice of voluntary dismissal under Rule 41(a)(1)(A)(i) is unavailable as both Defendants filed answers to Plaintiff's claims in state district court before they filed notice of removal to bring this matter under the Court's jurisdiction.

1.2 Neither Defendant has asserted a counterclaim against Plaintiff.

1.3 Rule 41(a)(2) provides that "an action may be dismissed at the plaintiff's request only by court order, on terms the court considers proper." Fed. R. Civ. P. 41(a)(2).

1.4 Plaintiff respectfully requests the Court grant this motion and enter an order dismissing this matter.

1.5 For the reasons set forth above, Plaintiff respectfully requests the Court GRANT this motion and sign the attached proposed Order.

Respectfully submitted,

Js / Clint Reed

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CERTIFICATE OF CONFERENCE

Counsel for Plaintiff hereby certifies that he has conferred with counsel for both Defendants regarding this motion and they have confirmed that this motion is unopposed..

/s/ Clint Reed

Clint Reed

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was duly served upon all counsel of record by electronic service on July 7, 2021, as follows:

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